

Bold and single underline= new language since preliminary adoption

Strikeout, and single underline= new language being stricken since preliminary adoption (may be bold)

TITLE 327 WATER POLLUTION CONTROL BOARD

PROPOSED RULE AS PRELIMINARILY ADOPTED WITH IDEM'S SUGGESTED CHANGES INCORPORATED

LSA Document #99-178

DIGEST

Amends 327 IAC 15-5-10 concerning inspection and enforcement of general National Pollutant Discharge Elimination System permits for storm water run-off associated with construction activity. Effective 30 days after filing with the secretary of state.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period: September 1, 1999, Indiana Register (22 IR 4005).

Notice of First Hearing: September 1, 1999, Indiana Register (22 IR 4005).

Date of First Hearing: November 10, 1999.

Date of Second Hearing: January 12, 2000.

327 IAC 15-5-10

SECTION 1. 327 IAC 15-5-10 IS AMENDED TO READ AS FOLLOWS:

327 IAC 15-5-10 Inspection and enforcement

Authority: IC 13-13-5-2; IC
13-15-1-2; IC 13-15-2-1; IC
13-18-3-1; IC 13-18-3-2; IC
13-18-3-3; IC 13-18-3-13; IC
13-18-4-1; IC 13-18-4-3

Affected: IC 13-14-10; IC 13-18-3; IC
13-18-4; IC 13-30

Sec. 10. (a) The ~~commissioner and/or designated representative~~**department or its designated**

representative may inspect any site involved in land disturbing activities regulated by this rule at reasonable times. The erosion control plan must be readily accessible for review at the time of the inspection.

(b) ~~Any persons violating any of the provisions of this rule shall be subject to enforcement and penalty under IC 13-7-10-5, IC 13-7-11, IC 13-7-12, 327 IAC 15-1-4, or any combination thereof.~~ **All persons engaging in land disturbing activity on a site shall be responsible for complying with the soil erosion control plan for that site and the provisions of this rule.**

(c) **The department shall investigate potential violations of this rule to determine which person may be responsible for the violation. The department shall, if appropriate, consider public records of ownership, building permits issued by local units of government, and other relevant information. ~~Other relevant information, which~~ may include site inspections, soil erosion control plans, notices of intent, and other information related to the specific facts and circumstances of the potential violation. Any person causing or contributing to a violation of any provisions of this rule shall be subject to enforcement and penalty under IC 13-30 and IC 13-14-10, IC 13-15-7, and IC 13-30.**

(e) ~~(d)~~ **If maintenance of remaining erosion control measures are not properly maintained by the person operating occupying or owning the property, the commissioner ~~department~~ may pursue enforcement against that person for correction of deficiencies under 327 IAC 15-1-4 (Water Pollution Control Board; 327 IAC 15-5-10; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26)**